

ELECTRONIC FRONTIER FOUNDATION
 CINDY COHN (145997)
 cindy@eff.org
 LEE TIEN (148216)
 tien@eff.org
 KURT OPSAHL (191303)
 kurt@eff.org
 KEVIN S. BANKSTON (217026)
 bankston@eff.org
 CORYNNE MCSHERRY (221504)
 corynne@eff.org
 JAMES S. TYRE (083117)
 jstyre@eff.org
 454 Shotwell Street
 San Francisco, CA 94110
 Telephone: 415/436-9333
 415/436-9993 (fax)

Attorneys for Plaintiffs

[Additional counsel follow signature page.]

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS,
 CAROLYN JEWEL and ERIK KNUTZEN, on
 Behalf of Themselves and All Others Similarly
 Situated,,

 Plaintiffs,

 v.

 AT&T CORP., et al.,

 Defendants.

No. C-06-0672-VRW

CLASS ACTION

PLAINTIFFS BRIEF RE: RECUSAL

 Courtroom: 6, 17th Floor
 Judge: Hon. Vaughn Walker

1 Plaintiffs provide this brief in response to the invitation of the Court in its Order of April
2 14, 2006 (Doc #59). For the reasons stated by the Court, plaintiffs agree that recusal in this case is
3 not necessary based on the fact that the Court was a previous subscriber to Defendant AT&T's
4 telephone services.

5
6 DATED: April 21, 2006

ELECTRONIC FRONTIER FOUNDATION

7
8 By /s/
9 Cindy A. Cohn, Esq. (SBN.145997)
10 Lee Tien, Esq. (SBN 148216)
11 Kurt Opsahl, Esq. (SBN 191303)
12 Kevin S. Bankston, Esq. (SBN 217026)
13 Corynne McSherry, Esq. (SBN 221504)
14 James S. Tyre, Esq. (SBN 083117)
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333 x108
Facsimile: (415) 436-9993

15 ATTORNEYS FOR PLAINTIFFS
16 *Counsel list continued on following page*
17
18
19
20
21
22
23
24
25
26
27
28

1 Additional Plaintiffs' counsel:

2 TRABER & VOORHEES
3 BERT VOORHEES
4 THERESA M. TRABER
128 North Fair Oaks Avenue, Suite 204
Pasadena, CA 91103
Telephone: (626) 585-9611
5 Facsimile: (626) 577-7079

6 LAW OFFICE OF RICHARD R. WIEBE
7 RICHARD R. WIEBE (121156)
425 California Street, Suite 2025
San Francisco, CA 94104
8 Telephone: (415) 433-3200
Facsimile: (415) 433-6382

9 LERACH COUGHLIN STOIA GELLER
10 RUDMAN & ROBBINS LLP
11 REED R. KATHREIN
JEFF D. FRIEDMAN
12 MARIA V. MORRIS
SHANA E. SCARLETT
100 Pine Street, Suite 2600
13 San Francisco, CA 94111
Telephone: (415) 288-4545
14 Facsimile: (415) 288-4534

15 LERACH COUGHLIN STOIA GELLER
16 RUDMAN & ROBBINS LLP
ERIC ALAN ISAACSON
655 West Broadway, Suite 1900
17 San Diego, CA 92101-3301
Telephone: (619) 231-1058
18 Facsimile: (619) 231-7423

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 21, 2006, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have
5 mailed the foregoing document or paper via the United States Postal Service to the following non-
6 CM/ECF participants:

7 Bradford A. Berenson
8 Sidley Austin LLP
9 1501 K Street, N.W.
10 Washington, DC 20005

11 David W. Carpenter
12 Sidley Austin Brown & Wood LLP
13 Bank One Plaza
14 10 South Dearborn Street
15 Chicago, IL 60600

16 David L. Lawson
17 Sidley Austin Brown & Wood
18 172 Eye Street, N.W.
19 Washington, DC 20006

20
21 By _____/s/
22 Cindy A. Cohn, Esq. (SBN.145997)
23 ELECTRONIC FRONTIER FOUNDATION
24 454 Shotwell Street
25 San Francisco, CA 94110
26 Telephone: (415) 436-9333 x108
27 Facsimile: (415) 436-9993
28 cindy@eff.org